

true and diligent search for such persons as do not appear, and that they cannot be found, or unless being summoned such persons have failed to appear, or unless the State's attorney or his deputy, and counsel for the traverser, or the counsel for the parties litigant, with the consent of the court, shall waive said order for summoning and swearing or affirming such talesmen; but if said affidavit shall have been made by said sheriff or his deputy, or if such persons shall fail to appear after having been summoned as aforesaid, or the said waiver shall be made with the consent of the court, then such of the talesmen as have been properly summoned and have appeared shall be called to be sworn in the order in which their said names are recorded in the jury book aforesaid; or whenever in either of said courts it shall be necessary to summon talesmen, the judges of the said courts, respectively, instead of, or in addition to, resorting to the foregoing provisions of this section for the summoning of talesmen, may order the sheriff to summon as such talesmen, any of the jurymen in attendance upon either of the said courts, except said criminal court of Baltimore, who may not then be engaged as a part of any special panel; and if it should happen at any time that in summoning talesmen for any of the said courts, the sheriff shall exhaust the whole list of the names drawn from the said wheel, as provided in this sub-title of this article, it shall be his duty immediately to make report thereof, verified by his affidavit or affirmation, to the supreme bench of Baltimore city, and thereupon the said judges, or one of them shall immediately cause the sheriff, or his deputy to be designated by him, to appear before such judge, in some one of the court rooms in said city, and cause such additional number of names as shall be designated by the judge of the court for which such talesmen are needed, to be drawn from the names selected by said judges as aforesaid, and still remaining upon said list of qualified jurors, and from such further names, if any, as the judges of the supreme bench, or a majority of them, shall select and cause to be added to said list; and the said drawing shall be made, and the names drawn shall be recorded in the manner provided in sections 586 and 591; and the talesmen shall be summoned from such additional number of persons so drawn in the manner hereinbefore directed.